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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,969	02/06/2001	Jurgen Kockmann	P00,1888	5243

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EXAMINER

WARE, CICELY Q

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 02/12/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,969

Applicant(s)

KOCKMANN ET AL.

Examiner

Cicely Ware

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Drawings

2. The drawings are objected to because:

a. In Fig. 1, examiner suggests applicant label elements as referenced in the specification.

It is office policy to request from applicants that submitted figures contain both text and numerical labels to allow individuals viewing each figure to be able to determine the designation of each element in the figure without having to go into the specifications.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

4. The abstract of the disclosure is objected to because:

a. Line 11-12, applicant uses the phrase "Information are subsequently transmitted". Examiner suggests using "Information is subsequently transmitted" for clarification purposes.

Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities:

- a. Pg. 1, line 27, applicant makes reference to a DECT acronym.
Examiner suggests applicant spell out the first instance of all acronyms.
- b. Pg. 2, line 5, applicant uses the phrase "wherein data are transmitted".
Examiner suggests applicant use "wherein data is transmitted" for clarification purposes
- c. Pg. 2, line 5, examiner suggests deleting the word "thus".
- d. Pg. 2, line 10, examiner suggests applicant delete "whereof –" and insert a ", " for clarification purposes.
- e. Pg. 2, line 14, applicant uses the phrase "slots comprises a". Examiner suggests applicant uses "slots comprise a" for clarification purposes.
- f. Pgs. 3-17, applicant makes use of a different font within these pages of the disclosure. Examiner suggests applicant choose a uniform font style.

g. Pg. 3, line 4, applicant uses "reëmployment". Examiner suggests using "reemployment" for clarification purposes.

h. Pg. 3, line 15, examiner suggests applicant re-write this line for clarity.

i. Pg. 3, line 29, applicant uses the phrase "information are transmitted". Examiner suggests using "information is transmitted" for clarification purposes.

j. Pg. 3a, examiner suggests applicant modify this page to combine with either pg. 3 or 4.

k. Pg. 4, line 28, applicant uses the phrase "same way as well in". Examiner suggests using "same way as well as in" for clarification purposes.

l. Pg. 9, line 4, applicant uses the phrase "explained in later". Examiner suggests using "explained later" for clarification purposes.

m. Pg. 11, line 2, applicant uses the phrase "utilized uniformly distributed". Examiner suggests using "utilized and uniformly distributed" for clarification purposes. Appropriate correction is required.

6. The preliminary amendment submitted by the applicant contains errors as well as corrections. Examiner suggests applicant make all necessary corrections and provide a corrected disclosure.

Claim Objections

7. Claims 1-10 are objected to because of the following informalities:

a. Examiner suggests applicant re-format the claim language. The indentations on all claims are incorrect. Appropriate correction is required.

- b. Claims 5 and 10, applicant makes use of "read-out and readout".

Examiner suggests using one or the other for clarification purposes.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergstrom et al. (EP Application 0,182,762 A1) (cited by applicant).

(1) With regard to claim 1, Bergstrom et al. discloses a method for transmission of information in various carrier frequencies with a frequency hopping method, comprising the following steps (abstract): offering a table with a plurality of n possible carrier frequency value f_x in addresses 1 through N of the table (Fig. 2, Pg. 1, lines 20-23, Pg. 2, line 7-8); generating a sequence of random values (Pg. 3, lines 3-4); reading out at least a part M of the N carrier frequency values f_x from the corresponding addresses of the table on the basis of the generated sequence of random values, whereby $M \leq N$ (Pg. 3, lines 3-10, 25-27); and transmitting information in the corresponding carrier frequencies, whereby the following steps are implemented for the set up of a connection (Pg. 4, lines 15-25): sampling a carrier frequency (Fig. 1); deciding whether a message containing at least an initialization information was received on the carrier frequency during a specific time span (Fig. 1, Pg. 4, lines 16-19);

when the decision is negative, selecting a new carrier frequency and sampling this new carrier frequency; and when the decision is positive generating the sequence of random values upon employment of the initialization information (Fig. 1 and Fig. 2).

(2) With regard to claim 2, claim inherits all the limitations of claim 1. Bergstrom et al. further discloses the method characterized in that converting the generated sequence of random values is converted into address values between 1 and N with which the carrier frequency values are read from the table (abstract, Fig. 2, Pg. 3, lines 11-24, Pg. 4, lines 11-12).

(3) With regard to claim 3, claim 3 inherits all the limitations of claim 1. Bergstrom et al. further discloses a method characterized in that the following steps are implemented for the synchronization: sampling a carrier frequency (Fig. 1); deciding whether a message was received on this carrier frequency during a specific time span (Fig. 1 and Fig. 2); when the decision is negative, selecting a new carrier frequency and sampling this new carrier frequency; when the decision is positive, generating the sequence random values upon employment of the message (Fig. 1 and Fig. 2).

(4) With regard to claim 4, claim 4 inherits all the limitations of the preceding claims. Bergstrom et al. further discloses in (Fig. 2) that a part M of the N possible carrier frequency values is read out from the table, whereby the remaining N-M carrier frequency values are employed for replacing disturbed carrier frequency values of the M carrier frequency values (abstract, Pg. 3, lines 25-30, Pg. 4, lines 2-8).

(5) With regard to claim 5, claim inherits all the limitations of claim 4. Bergstrom et al. further discloses a method characterized in that the table is updated from the N-M

carrier frequency values before the read-out upon replacement of the carrier frequency values that correspond to disturbed carrier frequencies (Pg. 4, lines 2-8).

10. Claims 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergstrom et al. (EP Application 0,182,762 A1) (cited by applicant).

(1) With regard to claim 6, Bergstrom et al. discloses Bergstrom et al. discloses an apparatus for the transmission of information in various carrier frequencies with a frequency hopping method, comprising means for offering a table with a plurality of n possible carrier frequency value f_x in addresses 1 through N of the table (abstract, Fig. 2, Pg. 1, lines 20-23, Pg. 2, line 7-8); a means for generating a sequence of random values (Pg. 3, lines 3-4, Pg. 8, lines 18-22); a means for reading out at least a part M of the N carrier frequency values f_x from the corresponding addresses of the table on the basis of the generated sequence of random values, whereby $M \leq N$ (Pg. 3, lines 3-10, 25-27); and a means for transmitted information in the corresponding carrier frequencies (Pg. 8, lines 26-29), a means for the setup of a connection is provided that comprises (Pg. 4, lines 15-25): a means for sampling a carrier frequency (Fig. 1); a means for deciding whether a message containing at least an initialization information was received on this carrier frequency during a specific time span (Fig. 1, Pg. 4, lines 16-19); configured such that, when the decision is negative, a new carrier frequency is selected and this new carrier frequency is sampled and when the decision is positive the sequence of random values is generated upon employment of at least the initialization information (Figs. 1-4, Pg. 5, lines 7-32, Pg. 6, lines 1-32).

(2) With regard to claim 7, claim 7 inherits all the limitations of claim 6. Bergstrom et al. further discloses an apparatus characterized by a means for converting the generated sequence of random values into address values between 1 and N with which the carrier frequency values are read from the table (abstract, Fig. 2, Pg. 3, lines 11-24, Pg. 4, lines 11-12).

(3) With regard to claim 8, claim 8 inherits all the limitations of claims 6 or 7. Bergstrom et al. further discloses an apparatus characterized in that a means for synchronization is provided that comprises: means for sampling a carrier frequency (Fig. 1, Fig. 4); means for deciding whether a message containing at least an initialization information was received on this carrier frequency during a specific time span (Fig. 1 and Fig. 2), configured such that when the decision is negative, a new carrier frequency is selected and this new carrier frequency is sampled; when the decision is positive, the sequence of random values is generated upon employment of at least the initialization information (Fig. 1 and Fig. 2, Pg. 3, lines 1-26, Pg. 4, lines 1-14).

(4) With regard to claim 9, claim 9 inherits all the limitations of claim 6. Bergstrom et al. further discloses in (Fig. 2) the means for readout reads a part M of the N possible carrier frequency values from the table, whereby the remaining N-M carrier frequency values are employed for replacing disturbed carrier frequency values of the M carrier frequency values (abstract, Pg. 3, lines 25-30, Pg. 4, lines 2-8).

(5) With regard to claim 10, claim 10 inherits all the limitations of claim 9. Bergstrom et al. further discloses a means for updating that updates the table from the

N-M carrier frequency values before the read-out upon replacement of the carrier frequency values that correspond to disturbed carrier frequencies (Pg. 4, lines 2-8).

Conclusion

11. The prior art made record of and not relied upon is considered pertinent to applicant's disclosure.

a. Flammer et al. (WO 96/00467) discloses a method for frequency sharing and frequency punchout in frequency hopping communications network.

b. Ciccone et al. US Patent 6,052,407 discloses an apparatus and method for detection frequency hopping patterns embedded in radio frequency noise.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cicely Ware whose telephone number is 703-305-8326. The examiner can normally be reached on Monday – Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Cicely Ware

cqw
January 28, 2004



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